

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,) CASE NO.: 1:21CR123
)
Plaintiff,) JUDGE JOHN R. ADAMS
)
v.)
) TO BE FILED UNDER SEAL¹
)
KENNETH JOHNSON, and) <u>GOVERNMENT'S NOTICE OF</u>
GARNELL JAMISON,) <u>POTENTIAL 404(b) EVIDENCE</u>
)
Defendants.)

The United States of America, by and through Bridget M. Brennan, Acting United States Attorney, and Justin Seabury Gould and Megan R. Miller, Assistant United States Attorneys, hereby gives notice that the government is in receipt of a statement which reports that Defendants Kenneth Johnson and Garnell Jamison may have threatened, intimidated, and/or attempted to influence the testimony of a potential witness for the government. The government first learned about these actions on July 14, 2021 and has provided details to counsel for Mr. Johnson and to counsel for Mr. Jamison.

This evidence may be admissible under Rule 404(b). United States v. Leasure, 331 Fed. Appx. 370, 374 (6th Cir. 2009) (Evidence of threats or intimidation is admissible under Rule 404(b) to show consciousness of guilt.), citing United States v. Mendez-Ortiz, 810 F.2d 76, 79 (6th Cir. 1986) (collecting cases). Although this evidence may otherwise be admissible, the

¹ The government has withdrawn its motion to file this notice under seal and has instead removed specific references from this filing in anticipation of the Court placing it on the public docket. However, to comply with the Court's instruction, the government files this notice under seal.

government offers this notice in an abundance of caution to satisfy the notice requirements of Rule 404(b)(3).

Respectfully submitted,

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